

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/993,059	GARGER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Delia M. Ramirez	1652	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/12/2004.
2. ☒ The allowed claim(s) is/are 31-35.
3. ☒ The drawings filed on 13 November 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date <u>1/12/2004</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                                | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

Art Unit: 1652

## **DETAILED ACTION**

### ***Status of the Application***

Claims 31-35 are pending.

Amendment of claims 31-35, cancellation of claims 1-30 and 36-66, amendments to the specification, and submission of a new abstract, in a communication filed on 1/12/2004 are acknowledged.

In a telephone conversation with John Robbins on 2/10/2004, an agreement was reached to amend claims 32-35 to place the claims in condition for allowance.

### ***Terminal Disclaimer***

1. The terminal disclaimer filed on 1/12/2004 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of any patent granted on Application Number 10/103327 has been reviewed and is accepted. The terminal disclaimer has been recorded.

### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 1/12/2004 is acknowledged. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Examiner's Amendment***

3. An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Art Unit: 1652

4. Authorization for this Examiner's amendment was given in a telephone interview with John Robbins on 2/10/2004.

5. Please replace claims 32-35 as follows:

32 The isolated polypeptide according to claim 31, wherein said polypeptide is glycosylated at least at one amino acid position selected from the group consisting of amino acid positions 108, 161, 184, and 337 of SEQ ID NO: 18.

33 The isolated polypeptide according to claim 31, wherein said polypeptide is glycosylated at least at one amino acid position selected from the group consisting of amino acid positions 108, 161, and 184 of SEQ ID NO: 18.

34 The isolated polypeptide according to claim 31, wherein said polypeptide has a plant glycosylation pattern at amino acid positions 108, 161, and 184 of SEQ ID NO: 18, wherein an alpha 1,3 fucose is present on the proximal N-acetylglucosamine (GlcNac).

35 The isolated polypeptide according to claim 31, wherein said polypeptide has a plant glycosylation pattern at amino acid positions 108, 161, and 184 of SEQ ID NO: 18, wherein a beta 1,2 xylose is present on a beta-linked mannose of the core.

#### ***Reasons for Allowance***

6. The following is an Examiner's statement of reasons for allowance. Although the prior art discloses alpha galactosidases, the Examiner has found no teaching or suggestion in the prior art directed to the alpha galactosidase of SEQ ID NO: 18 as encompassed by the claims. Therefore, claims 31-35 directed to the polypeptide of SEQ ID NO: 18 and the polypeptide of SEQ ID NO: 18 with the recited glycosylated residues as encompassed by the claims, are allowable over the prior art of record.

7. Claims 31-35 are allowed.

Art Unit: 1652

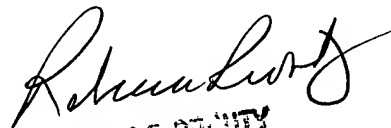
8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Delia M. Ramirez whose telephone number is (571) 272-0938. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Ponnathapura Achutamurthy can be reached on (571) 272-0928. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1234.

Delia M. Ramirez, Ph.D.  
Patent Examiner  
Art Unit 1652

DR  
February 11, 2004

  
REBECCA E. PRUSTY  
PRIMARY EXAMINER  
GROUP 1800  
1600